

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—GENERAL

Case No. EDCV 23-02645-KK-SPx

Date: March 22, 2024

Title: *Nelson Chilin v. Upland 747 Inc., et al.*

Present: The Honorable KENLY KIYA KATO, UNITED STATES DISTRICT JUDGE

Noe Ponce

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

None Present

Attorney(s) Present for Defendant(s):

None Present

**Proceedings: (In Chambers) Order to Show Cause Why Action Should Not Be Dismissed for Failure to Prosecute**

Absent a showing of good cause, an action must be dismissed without prejudice if the summons and complaint are not served on a defendant within 90 days after the complaint is filed. See FED. R. CIV. P. 4(m). Generally, a defendant must answer the complaint within 21 days after service, or 60 days if the defendant is the United States. See FED. R. CIV. P. 12(a).

In the present case, it appears that one or more of these time periods has not been met as to one or more defendant(s). Specifically:

- Proof of service of the summons and complaint
- Answer by the defendant or an application for entry of default pursuant to Federal Rule of Civil Procedure 55(a)
- Motion for default judgment set for hearing in accordance with the Local Rules and the Court's Standing Order

Accordingly, the Court, on its own motion, orders plaintiff(s) to show cause in writing on or before **March 29, 2024** why this action should not be dismissed for lack of prosecution as to those defendant(s).

It is plaintiff(s)' responsibility to respond promptly to all Orders and to prosecute the action diligently, including filing proofs of service and stipulations extending time to respond. If necessary,

plaintiff(s) must also pursue Rule 55 remedies promptly upon the default of any defendant. All stipulations affecting the progress of the case must be approved by this Court. See L.R. 7-1.

No oral argument of this matter will be heard unless ordered by the Court. The Order will stand submitted upon the filing of a written response.

**Plaintiff(s) are expressly warned that failure to timely file a response to this Order will result in this action being dismissed without prejudice as to one or more defendant(s) for failure to prosecute and comply with court orders. See FED. R. CIV. P. 41(b).**

**IT IS SO ORDERED.**